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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHAEL CRUZ, on behalf of himself and all
others similarly situated,

Plaintiff,

-against-

PEACOCK ALLEY, INC,

Defendant.

1:20-cv-04580

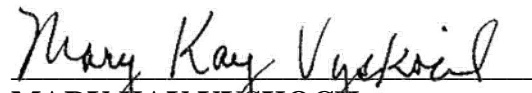
ORDER OF DISMISSAL

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of a letter from the parties informing the Court that the parties have reached a settlement in principle [ECF No. 11]. Accordingly, IT IS HEREBY ORDERED that the Initial Pretrial Conference scheduled for November 10, 2020, at 1:00 PM is cancelled. IT IS FURTHER ORDERED that the above-captioned action is discontinued without costs to any party and without prejudice to restoring the action to this Court's calendar if the application to restore the action is made by **December 9, 2020**. If no such application is made by that date, today's dismissal of the action is with prejudice. *See Muze, Inc. v. Digital On Demand, Inc.*, 356 F.3d 492, 494 n.1 (2d Cir. 2004).

SO ORDERED.

Date: November 9, 2020
New York, NY


MARY KAY VYSKOCIL
United States District Judge